



Rules Relating to the Court-Appointed Special Advocate Program



**The Department of Criminal Justice Services
Juvenile Services Section
202 North Ninth Street
Richmond, VA 23219
804-786-6428**

FINAL REGULATIONS

Title of Regulation: 6 VAC 20-160-10 et seq. Rules Relating to the Court-Appointed Special Advocate Program (CASA). (amending 6 VAC 20-160-10 through 6 VAC 10-160-100 and 6 VAC 20-160-120; repealing 6 VAC 20-160-110)

Statutory Authority: §§ 9-173.6 and 9-173.8 of the Code of Virginia.

Effective Date: December 24, 1997.

Summary:

The amendments to the regulation are intended to ensure that the regulation is in support of and consistent with the mission and goals of CASA programs across Virginia.

Corrective changes to improve upon grammar or clarify the linguistic aspects of the regulations have been made. The substantive changes are generally adjustments in training requirements and program ratios intended to maintain and enhance the quality of practice in Virginia's CASA programs.

Significant changes to the regulations are as follows:

1. programs will be required to have a board which guides them in decision-making processes;
2. new board members will be required to receive board training within six months of their appointment;
3. the average number of cases per volunteer is not to exceed three for any program without a rationale provided to and approved by the Department of Criminal Justice Services;
4. the maximum number of cases to which a volunteer may be assigned is three children or two sibling groups without submitting a rationale to the Department of Criminal Justice Services for approval;
5. the staff-to-volunteer ratio will not exceed one full-time equivalent to 25 active volunteers without the submission of a rationale and its approval by the Department of Criminal Justice Services;
6. programs shall write policies regarding compliance with Equal Employment Opportunity, Drug-Free workplace, Smoke-Free workplace, and political activity statements;
7. the training requirements for new volunteers is increased to 30 hours from 25 hours;
8. programs must make available at least 12 hours of in-service training annually; and
9. volunteers shall participate in 12 hours of continuing education (approved by the director) annually which can include training from other agencies or sources, through print or electronic media.

Summary of Public Comment and Agency Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

Agency Contact: Copies of the regulation may be obtained from the CASA Program Coordinator, Department of Criminal Justice Services, 805 East Broad Street, 10th Floor, Richmond, Virginia, 23219, (804) 786-6428.

Part I: General Definitions.

6 VAC 20-160-10. Definitions.

The following words and terms, when used in this chapter, shall apply unless the context clearly indicates otherwise:

- “Active case” means a case that is assigned by the director to a CASA volunteer.
- “Board” means the Criminal Justice Services Board.
- “CASA” means court-appointed special advocate.
- “CASA program” means any locally operated court-appointed special advocate program which utilizes court-appointed volunteers to assist in judicial proceedings involving allegations that a child is abused, neglected, in need of services, or in need of supervision and for whom the judge determines such services are appropriate.
- “Case” means a child referred to the CASA program.
- “Closed case” means a case in which the court has released the CASA volunteer or the director has notified the court of their intent to release the case or there has been no volunteer activity for more than 90 days.
- “DCJS” means the Department of Criminal Justice Services.
- “Director” means the director or coordinator of a local CASA program responsible for the day-to-day operations of the local CASA program.
- “Referred case” means a case that is referred by the court but is not assigned by the director to a CASA volunteer.
- “Volunteer” means the court-appointed special advocate.

Part II: Program Administration.

6 VAC 20-160-20. Boards.

A. If a local CASA program does not have a board of directors, it shall have an advisory board.

B. The composition of local CASA boards should include representatives of each geographic area served by the program having knowledge of or an interest in court matters, child welfare and juvenile justice issues from both public and private sectors.

C. All new board members shall receive board training within six months of their appointment.

6 VAC 20-160-30. Recordkeeping and monitoring.

A. CASA programs are required to maintain records of the activities of the CASA program.

B. CASA programs shall provide quarterly reports on the operation of the CASA program to the Department of Criminal Justice Services in a format provided by the department. The CASA quarterly reports shall cover the following periods: July-September; October-December; January-March; April-June. These reports are due on a timeline as established by DCJS.

C. The quarterly reports shall include the following:

1. The number of volunteers who completed training during the quarter, the number currently assigned to cases, the number currently inactive, and the number currently unassigned;
2. The number of volunteer hours and a dollar equivalency for volunteer services for the quarter as prescribed by DCJS;
3. The number of cases served during the quarter including cases opened, closed and continued from previous quarters to ensure unduplicated numbers;
4. Average number of cases per volunteer; if this number exceeds three cases a rationale must be submitted to and approved by DCJS;
5. Breakdown of the types of cases handled during the quarter;
6. Breakdown of the age, sex, and race of children served at the time of case assignment;
7. For cases closed during the quarter, the average length of time each case was assigned to the program;
8. For cases closed during the quarter, the average length of time each child was in an out-of-home placement while assigned to the program; and

**6 VAC 20-160-40.
Program and
personnel policies.**

9. The number of new cases referred during the quarter awaiting assignment of a CASA volunteer or denied service due to lack of a CASA volunteer.

D. An annual report (Forms B, C, D, and E) shall be due on a timeline as established by DCJS. The annual report shall include, but not be limited to, the following:

1. An annual statistical summary;
2. A program budget which contains expenditure and income projections and the sources and amounts of income from each source;
3. A narrative detailing the program's accomplishments, major changes in program policy or operation during the past year;
4. A letter from the CASA program's fiscal agent or accountant identifying who is responsible for maintaining the fiscal records, and stating where the fiscal records are routinely kept; and
5. A year-end fiscal statement prepared in accordance with generally accepted accounting practices showing the total cash receipts and disbursements for the CASA program from the past year.

A. Programs shall ensure that an attorney is available for CASA directors and boards to provide legal consultation in matters pertaining to administration of the programs.

B. Programs shall not employ as paid staff any individual who concurrently supervises children-in-need of services or juvenile offender cases, either for the courts or any child serving agencies.

C. Programs shall write policies on the following and make those written policies available to the respective court:

1. The maximum number of cases to which a volunteer may be assigned at any one time. If that number is larger than three children or two sibling groups, a rationale must be submitted to and approved by DCJS.
2. The maximum number of volunteers to be supervised by each staff person. The staff-to-volunteer ratio calculated and reported each quarter shall not exceed 1 full-time equivalent staff to 25 volunteers who are assigned to active cases. A request shall be submitted to and approved by DCJS should that ratio exceed 1:25.
3. The review, investigation and handling of any complaints that may be received concerning CASA volunteers, including procedures for the removal of CASA volunteers should dismissal become necessary.

4. The specific factors to be used by the CASA program to accept and prioritize cases for assignment to CASA volunteers.
5. The confidentiality of the records and information to which CASA volunteers will have access, and training volunteers on the importance of confidentiality.
6. The objectives, standards, and conduct for CASA volunteers and the procedures that the CASA program has implemented to evaluate the performance of its volunteers in order to ensure that volunteers are meeting CASA's objectives and standards of conduct.
7. The CASA volunteers' responsibility to report incidents of suspected child abuse and neglect.
8. Concerning CASA investigations, CASA's role and responsibility in assisting the guardian ad litem, and monitoring court order compliance.
9. Compliance with federal laws, including Equal Opportunity Employment, Drug-Free workplace, Smoke-Free workplace, and political activity statements.

D. CASA programs shall provide staff capable of managing effective and efficient program operations. The following job descriptions provide for essential CASA program management:

1. The director is responsible for accomplishing organizational goals and all managerial functions. This staff position requires a degree or equivalent experience in child welfare, public administration, counseling, human services, juvenile justice or law. It is also important that this person have an understanding of and experience with community organization and volunteer program management. Generally the duties and responsibilities of the director include:
 - a. Conducting or overseeing the recruitment, screening, training, supervision and evaluation of the program volunteers and staff;
 - b. Developing and maintaining procedures for case recordkeeping; supervising staff and volunteers in completing recordkeeping tasks;
 - c. Serving as a liaison to the court, to their local board, to local agencies serving children, to DCJS personnel, and to the Virginia CASA Network, to the Virginia CASA Association, and to the National CASA Association;
 - d. Planning for and managing program growth, development and evaluation, including special projects, budgets, annual workplans, and analysis of trends in program services;
 - e. Representing the program to networks of service providers, and community coalitions dealing with child welfare issues; and

- f. Supervising program operations including financial management, risk management, and resource development.
2. Program/volunteer coordinator. Depending on program size, it may be necessary to designate a staff person having knowledge of or interest in court matters, child welfare and juvenile justice issues who will focus on volunteer recruitment, screening, training, case assignment, and supervision. Generally, the duties and responsibilities of the program/volunteer coordinator include:
- a. Developing and distributing volunteer recruitment materials, and conducting presentations on the CASA program for the purpose of recruiting volunteers and increasing community awareness;
 - b. Screening volunteer applications and conducting interviews to determine the suitability of the applicant for the CASA program;
 - c. Arranging training for CASA volunteers;
 - d. Recommending trained volunteers for acceptance into the CASA program;
 - e. Assigning cases and supervising volunteers;
 - f. Planning and implementing volunteer recognition events;
 - g. Evaluating effectiveness of volunteer recruitment, training, and case assignment; and
 - h. Conducting annual written evaluations of each CASA volunteer.

**6 VAC 20-160-50.
Case assignment.**

A. The CASA director shall be responsible for all decisions pertaining to the assignment or removal of specific volunteers to specific cases.

B. A CASA volunteer shall not be assigned to a case involving any professional connection or close personal relationship with the child client or family.

**6 VAC 20-160-60.
CASA volunteer
duties and
responsibilities.**

A. Volunteers shall follow specific policies regarding the nature of assistance:

1. Provided to the guardian ad litem;
2. Relating to their investigative role;
3. Relating to monitoring compliance with court orders; and
4. Relating to the submission to the court of written reports.

B. The CASA's investigation involves fact-finding via interviews, professional reports, observation of family and social interactions, and observation of the child's environment.

C. The CASA's investigation involves the observation of the child's circumstances. CASAs may conduct interviews of children; however, CASAs are specifically prohibited from questioning or inquiring of the child information regarding a precipitating incident or allegation involving child abuse and neglect.

D. The CASA volunteer should encourage interdisciplinary coordination and cooperation, whenever possible, in an effort to develop a plan of action in conjunction with other local agencies and professionals.

**6 VAC 20-160-70.
Confidentiality.**

A. All CASA volunteers shall follow specific policies regarding the following:

1. Reporting suspected child abuse and neglect, and the procedure
2. Confidentiality of records and information; and
3. Contacting, interviewing and responding to persons involved in the case.

for making such reports.

B. To the extent permitted by state and federal confidentiality regulations, CASA volunteers should share information gathered with other involved professionals whenever possible and practicable.

6 VAC 20-160-80.

A. CASA volunteers should conduct themselves in a professional manner,

Code of ethics.

adhering to a code of ethics which is consistent with ethical principles established by local, state or national guidelines.

B. A CASA volunteer should not become inappropriately involved in the case by providing direct service delivery to any parties that could (i) lead to conflict of interest or liability, or (ii) cause a child or family to become dependent on the CASA volunteer for services which should be provided by other agencies or organizations.

C. CASA volunteers should develop a general understanding of the code of ethics of other professionals with whom the CASA volunteer will be working.

**6 VAC 20-160-90.
Qualifications.**

A. CASA volunteers shall be at least 21 years of age.

B. CASA volunteers shall have the ability to communicate effectively, both orally and in writing, to prepare court reports and to provide testimony.

C. CASA volunteers shall possess mature judgment, a high degree of responsibility and sufficient time to assist in advocating for the best interests of the child.

D. CASA volunteers shall be able to relate to persons of different cultures, ethnic backgrounds and different socioeconomic status.

**6 VAC 20-160-100.
Screening.**

A. CASA volunteers shall successfully complete screening procedures which, at a minimum, shall include a written application and personal interview.

B. Pursuant to § 9-173.8 of the Code of Virginia, the director shall obtain with the approval of the court a copy of each applicant's criminal history record or certification that no conviction data is maintained on him, in accordance with § 19.2-389 of the Code of Virginia, and a copy of information from the central registry, maintained pursuant to § 63.1-248.8 of the Code of Virginia, on any investigation of child abuse or neglect undertaken on him or certification that no such record is maintained on him. If the volunteer applicant has lived in another state within the past three years, the CASA volunteer shall also provide a copy of his criminal history record from that area. An applicant should be rejected if he refuses to sign a release of information for appropriate law-enforcement checks.

C. CASA volunteers shall provide three references who will speak to their character, judgment and suitability for the position of CASA volunteer.

D. Before the volunteer is sworn in, the director shall determine that the CASA volunteer is qualified under 6 VAC 20-160-90.

E. CASA volunteers shall successfully complete required training as set forth in 6 VAC 20-160-120.

**6 VAC 20-160-120.
Training.**

A. To ensure that volunteers are fully prepared to perform their role as a CASA and to assume the accompanying responsibilities, each volunteer shall participate in a minimum of 30 hours of training prior to being accepted as a CASA volunteer and assigned cases. Credit may not be given towards the 30 hours of training for any previous training obtained by a volunteer prior to application to a local CASA program.

B. The initial training curriculum for a CASA should, at a minimum, include instructions on:

1. The delineation of the roles and responsibilities of a CASA focusing on the rationale for family preservation/permanency planning, discussion of the basic principles of advocacy, distinction between the appropriate and inappropriate activities for a CASA, level of commitment required of a CASA involved in a case and the performance expectations, review of case assignment process and procedures, differentiation between the role of the CASA and other system personnel, and a comprehensive list of resources available and when and how to utilize these resources;
2. The obligation of confidentiality in CASA related matters, proper recordkeeping techniques, and the scope of state and federal statutes on the confidentiality of records;
3. The dynamics of cultural diversity and the development of cultural sensitivity by the CASA;
4. The nature of child abuse and neglect, the impact of drugs and alcohol on the incidence of abuse, identification of the family conditions and patterns which lead to and perpetuate abuse and neglect, and instruction on how social services respond to and assess reports of abuse and neglect;
5. The general principles and concepts of child and family development;
6. Concepts of separation and loss, the role of foster care and permanency planning in the context of state law with consideration of the state's position on family preservation, family reunification and alternative permanent plans for a child who cannot be returned to the home;
7. Basic communication and interview skills, with guidelines for dealing with sensitive issues and the interaction between the CASA and parties to a case, and practice in conducting interviews and writing reports;
8. The juvenile court process which should include an outline of the various types of court proceedings, what transpires at each proceeding, the CASA's role, who to contact when there is a question about the court process, a glossary of legal terminology, how to prepare for a hearing, and how to prepare a report for the court; and
9. The development of advocacy skills, such as negotiation and conflict management, and how they may be used by the CASA to improve the conditions for a child.

C. The initial training program shall provide an opportunity for the volunteer to observe actual court proceedings similar to those in which he would be involved as a CASA volunteer. This observation is above and beyond the hours included in the initial training.

D. CASA volunteers in training should be provided an opportunity to visit community agencies and institutions relevant to their work as a volunteer.

E. The CASA program should provide volunteers in training with the following written materials:

1. Copies of pertinent laws, regulations, and policies;
2. A statement of commitment form clearly stating the minimum expectations of the volunteer once trained; and
3. A training manual which is easy to update and revise.

F. Trainers and faculty for the initial training program and any ongoing training or continuing education should be persons with substantial knowledge, training and experience in the subject matter which they present and should also be competent in the provision of technical training to lay persons.

G. CASA program staff and others responsible for the initial training program should be attentive to the participation and progress of each trainee and be able to objectively evaluate his abilities according to criteria developed by the CASA program for that purpose. CASA directors should use the Comprehensive Training Curriculum for CASA from the National CASA Association and training curricula developed within the state as a reference in designing and developing their training program.

H. The CASA program shall make available a minimum of 12 hours of in-service training annually for volunteers who are accepted into the program. These in-service programs should be designed and presented to maintain and improve the volunteer's level of knowledge and skill. Special attention shall be given to informing volunteers of changes in the law, local court procedures, the practices of other agencies involved, CASA program policies and developments in the fields of child development, child abuse and child advocacy.

I. CASA volunteers shall participate in 12 hours of continuing education annually as approved by the director. This continuing education may be in-service programs provided directly by the CASA program, or in conjunction with another agency or agencies, or may be through an outside agency, through print or electronic media, or from other sources. All training not conducted or sponsored by the CASA program must have been reviewed and approved by the CASA director for its suitability for the continuing education of CASA volunteers, and the amount of continuing education credit that is appropriate.

Forms

NOTICE: The forms used in administering 6VAC 20-160-10 et seq., Rules Relating to the Court-Appointed Special Advocate Program (CASA), are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

CASA Quarterly Case Summary, rev. 5/97 (Form A)

CASA Annual Case Summary, rev. 5/97 (Form B)

CASA Annual Case Summary Narrative Form, rev. 5/97
(Form C)

CASA Annual Financial Status, rev. 5/97 (Form D)

CASA Annual Projected Program Budget, rev. 5/97 (Form E)